

IN RE: PETITION FOR VARIANCE
NE/S Rossville Boulevard at
Citation Road
(8800 Citation Road)
15th Election District
6th Councilmanic District

Packer Family Ltd. Partnership
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-220-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 8800 Citation Road, located in the vicinity of Pulaski Industrial Park off of Rossville Boulevard. The Petition was filed by the owners of the property, the Packer Family Limited Partnership, by Jeffrey L. Tucker, Chief Financial Officer, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 5 feet in lieu of the required 30 feet for a non-residential building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Jeffrey Tucker, for Al Packer Ford, Inc., and Ed Haile, with Daft-McCune-Walker, Inc. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.97 acres, zoned M.L.-I.M. and is improved with a one-story brick warehouse building consisting of 36,000 sq.ft. This building is used for storing automotive parts for Al Packer Ford, Inc. The Petitioners are desirous of constructing an 8,330 sq.ft. addition to the rear of the existing building, adjacent to the B & O Railroad

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

and adjoining industrial uses, as more particularly described on Petitioner's Exhibit 3. Due to the layout and location of the existing building on the subject property, the relief requested is necessary in order to proceed as proposed. Testimony and evidence offered indicated that the relief requested will not result in any detriment to the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

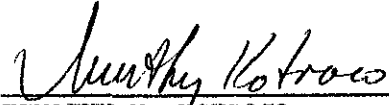
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of February, 1995 that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 5 feet in lieu of the required 30 feet for a non-residential building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall provide landscaping for the property in accordance with the landscape plan submitted into evidence as Petitioner's Exhibit 3.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 24, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Rossville Boulevard at Citation Road
(8800 Citation Road)
15th Election District - 6th Councilmanic District
Packer Family Ltd. Partnership - Petitioners
Case No. 95-220-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Jeffrey L. Tucker, CFO, Packer Family Ltd. Partnership
5665 Belair Road, Baltimore, Md. 21206

Mr. Ed Haile, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

~~File~~

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

8800 CITATION ROAD

which is presently zoned ML.-I.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1 and 238.2 to permit a 5 foot rear yard setback in lieu of the required 30 foot for a non-residential building.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) to be fully explained at the hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. SCOTT BARHIGHT, ESQUIRE

(Type or Print Name)

Signature

WHITEFORD, TAYLOR & PRESTON
210 WEST PENNSYLVANIA AVE.

Address

Phone No.

TOWSON, MD 21204 (410) 832-2000

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s) PACKER FAMILY LIMITED PARTNERSHIP

By:

(Type or Print Name)

JEFFREY L. TUCKER, CFO
PFPLP, INC., GENERAL PARTNER

Signature

(Type or Print Name)

Signature

5665 BELAIR ROAD

Address

Phone No.

BALTIMORE, MARYLAND 21206

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. SCOTT BARHIGHT, ESQ.
WHITEFORD, TAYLOR & PRESTON

210 WEST PENNSYLVANIA AVENUE

TOWSON, MD. 21204 (410) 832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date 2/24/95
By [Signature]



MICROFILMED

213

Description

To Accompany Petition for

Zoning Variance

2.500 Acre Parcel

Packer Family Limited Partnership Property

Northeast Side of Rossville Boulevard

Northwest Side of Citation Road

Fifteenth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the northeast side of Rossville Boulevard (70 feet wide) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Rossville Boulevard with the centerline of Citation Road (60 feet wide) (1) North 47 degrees 23 minutes 04 seconds East 35 feet, and thence (2) Northwesterly 40 feet to the point of beginning, thence leaving said point of beginning and binding on the northeast side of Rossville Boulevard the two following courses and distances, viz: (1) Northwesterly by a line curving to the right with a radius of 5152.62 feet for a distance of 152.33 feet (the arc of said curve being subtended by a chord bearing North 42 degrees 18 minutes 19 seconds West 152.32 feet), and thence (2) North 41 degrees 27 minutes 30 seconds West 142.71 feet, thence leaving said Rossville Boulevard and running the two following courses and distances, viz: (3) North 47 degrees 23 minutes 04 seconds East 354.59 feet, and thence (4) South 42 degrees 36 minutes 56 seconds East 305.00 feet to intersect the northwest side of Citation Road, thence binding thereon the two following courses and distances, viz: (5) South 47

RECORDED

95-220-A

degrees 23 minutes 04 seconds West 348.19 feet, and thence (6) North 87 degrees 54 minutes 30 seconds West 14.22 feet to the point of beginning; containing 2.500 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 12, 1994

Project No. 94115 (L94115)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-220-A

District 1524 Date of Posting 12/18/94

Posted for: Variance

Petitioner: Pector Family Limited Partnership

Location of property: 8800 Citation Rd, NEPS

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by M. J. Hasty Date of return: 12/30/94
Signature

Number of Signs: 1

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2000

The zoning commission of Baltimore County by a majority of five to four, on July 10, 1980, is reviewing the regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old County Office Building, 2100 E. Joppa Road, Towson, Maryland 21204.

15th Election District
 6th Councilmanic
 Legal Owner(s):
 Packer Family Limited
 Partnership
 Hearing: Monday,
 January 23, 1995 at 2:00
 p.m. in Rm. 118, Old
 Courthouse

Variance to permit a 8-foot rear yard setback in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
12/31/11 December 29

THE JEFFERSONIAN,

A. Henricksen

LEGAL AD. - TOWSON

Debit

RECORDED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-220-A

Account: R-001-6150

Number

213

By JLL

Date

12/15/94

1 NON RES VAR. 020

250.00

1 SIGN POSTING 080

35.00

285.00

PACKER FAMILY LTD. PARTNERSHIP
8800 CITATION RD.

PAID BY WHITEFORD TAYLOR PR. STOR.

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 213

Petitioner: _____

Location: 8800 Citation Road Baltimore MD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barchright, Esq.

ADDRESS: Whiteford, Taylor & Preston, L.L.P.

Suite 400 Court Towers
210 W. Pennsylvania Ave. Towson MD 21204

PHONE NUMBER: 832-2000

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.
Whiteford, Taylor & Preston, L.L.P.
400 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
410-832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-220-A (Item 213)
8800 Citation Road
NE/S Rossville Boulevard and Citation Road
15th Election District - 6th Councilmanic
Legal Owner(s): Packer Family Limited Partnership
HEARING: MONDAY, JANUARY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a 5-foot rear yard setback in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 22, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-220-A (Item 213)

8800 Citation Road

NE/S Rossville Boulevard and Citation Road

15th Election District - 6th Councilmanic

Legal Owner(s): Packer Family Limited Partnership

HEARING: MONDAY, JANUARY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a 5-foot rear yard setback in lieu of the required 30 feet.

A handwritten signature in cursive script, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

cc: Packer Family Limited Partnership
G. Scoot Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 13, 1995

G. Scott Barhigth, Esquire
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 213
Case No.: 95-220-A
Petitioner: Packer Family

Dear Mr. Barhigth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 15, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-27-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTN: Ms. JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County

Item No.: +213 (JLC)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 4, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Items 173 (Case #94-176 SPH), 209, 210, 211,
212, 213, and 214

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

441-222-1511

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 9, 1995

SUBJECT: 8800 Citation Rd.

INFORMATION:

Item Number: 213

Petitioner: Packer Family Limited Partnership

Property Size: 2.97 acres

Zoning: ML-IM

Requested Action: Variance

Hearing Date: 1/11

SUMMARY OF RECOMMENDATIONS:

In reference to the subject request, staff has contacted the applicant's attorney, G. Scott Barhight, to discuss the provision of landscaping along Rossville Boulevard. In response to our concerns, Mr. Barhight has indicated that a landscape plan will be developed prior to the hearing on the subject matter.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 1/12/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Dec. 27, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 208
210
212
213
214
215
216

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: PACKER FAMILY LIMITED PARTNERSHIP

LOCATION: NEYS ROSSVILLE BLVD. AND CITATION RD. (8800 CITATION RD.)

Item No.: P13

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

JAN 3 1995

ZADM
MICROFILMED

REVIEWER: LT. ROBERT P. SAUERNAID
Fire Marshal Office, PHONE 887-4881, MS-1102F



RE: PETITION FOR VARIANCE	*	BEFORE THE
8800 Citation Road, NE/S Rossville Blvd	*	ZONING COMMISSIONER
and Citation Road, 15th Election Dist.,	*	OF BALTIMORE COUNTY
6th Councilmanic	*	CASE NO. 95-220-A
Packer Family Limited Partnership	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

1995 JAN 10 10:00 AM

Item 213.

Called Scott B. after filing.
+ asked
is this covered for development
process? Left Msg. with sec

DDL 12/15/94.

MICROFILMED

PETITIONER(S) SIGN-IN SHEET

ADDRESS

5665 Belair Rd
Baltimore, MD 21206

200 E Penna Ave
Towson, Md. 21286



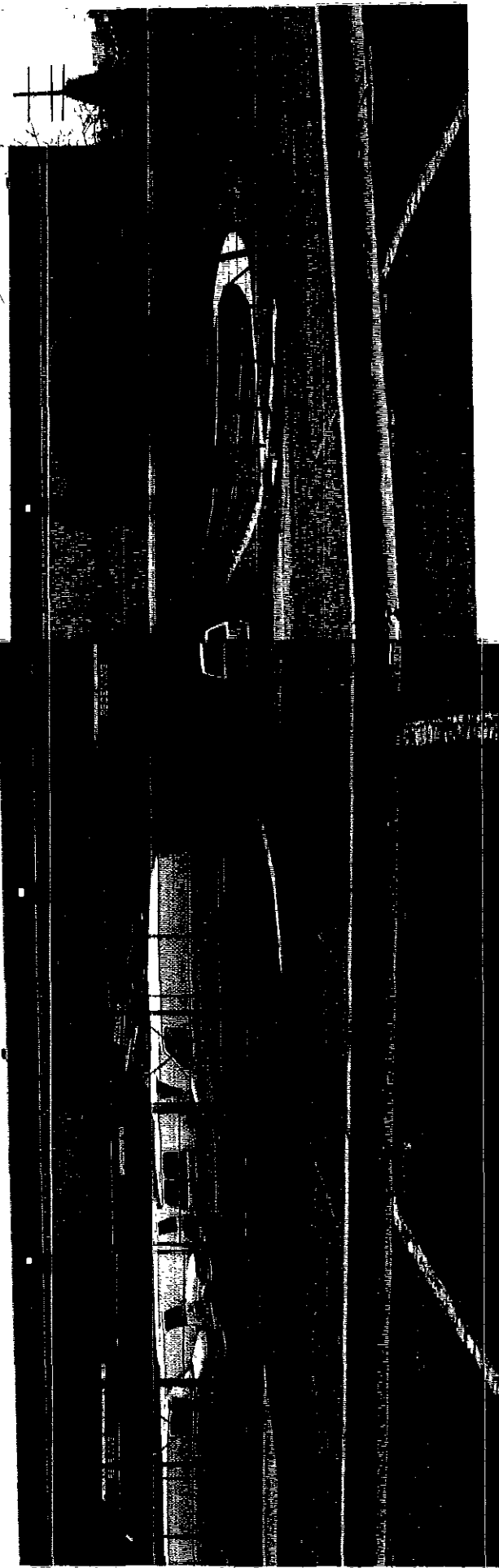
**Printed with Soybean Ink
on Recycled Paper**

1940



2A

PETITIONER'S
EXHIBITS



2B



2D

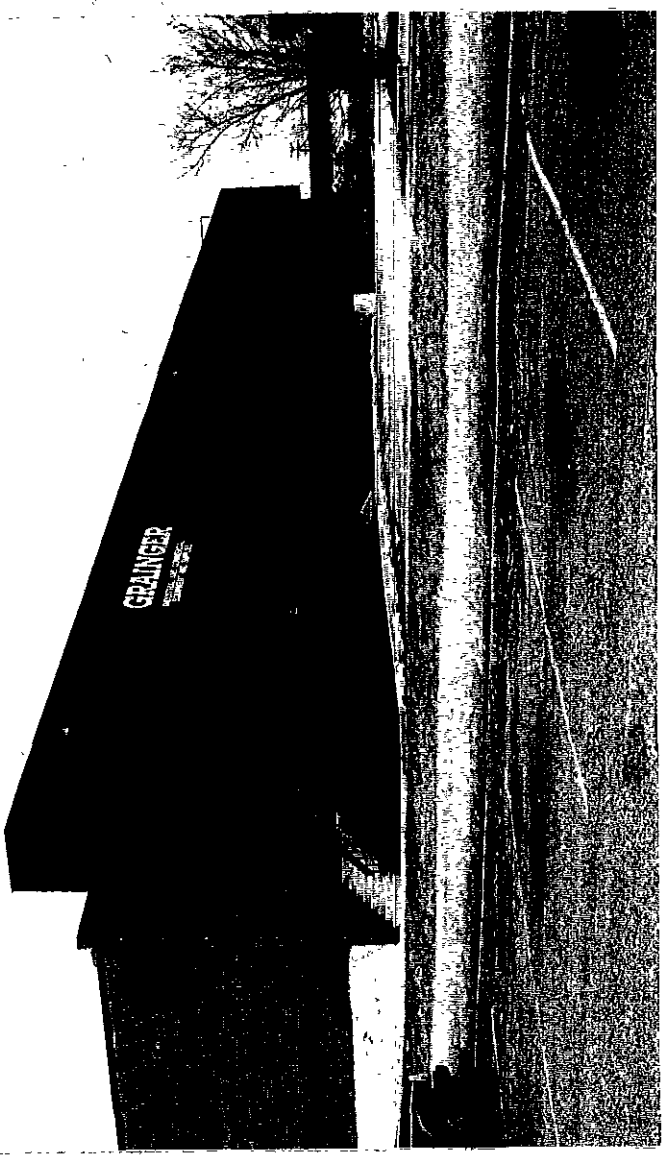
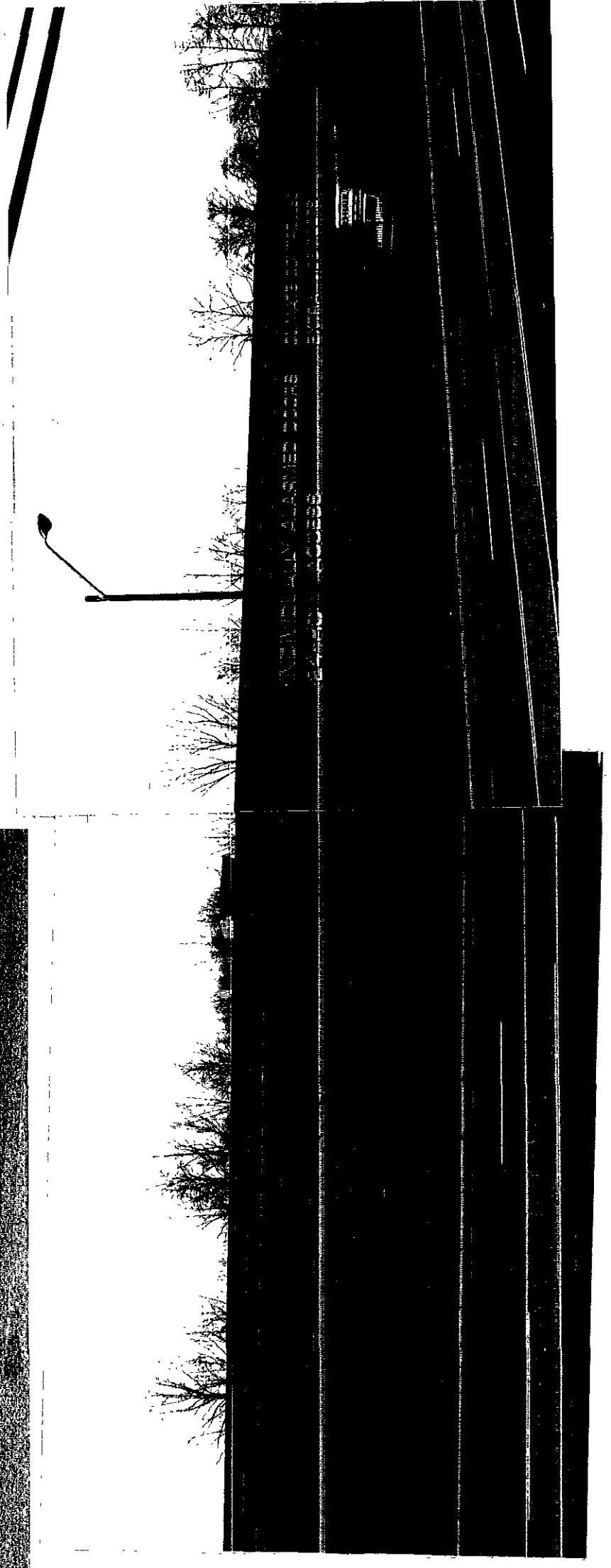


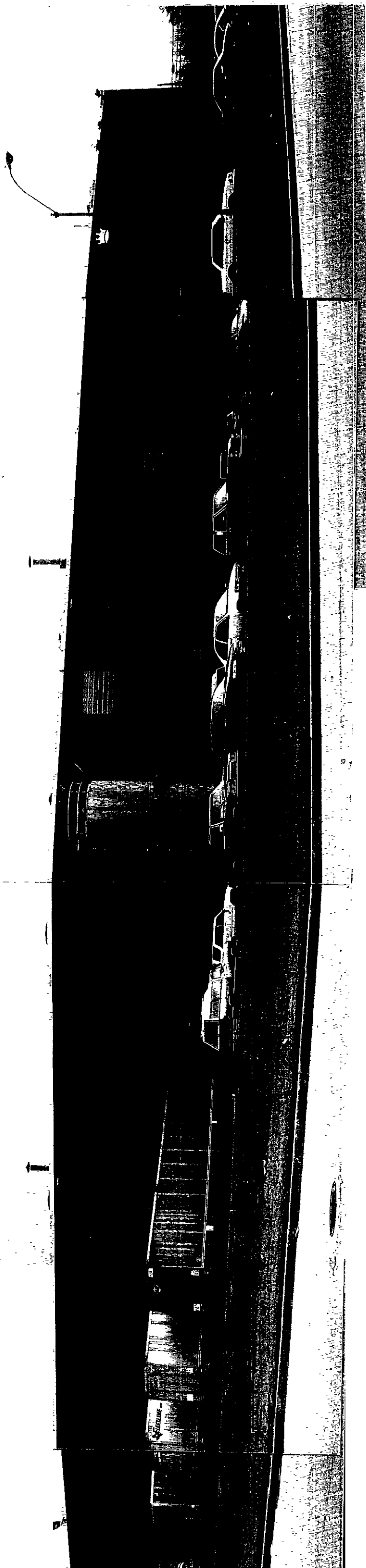
2E



2C







IN RE: PETITION FOR VARIANCE
NE/S Rossville Boulevard at
Citation Road
(8800 Citation Road)
15th Election District
6th Councilmanic District
Packer Family Ltd. Partnership
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-220-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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and adjoining industrial uses, as more particularly described on Petitioner's Exhibit 3. Due to the layout and location of the existing building on the subject property, the relief requested is necessary in order to proceed as proposed. Testimony and evidence offered indicated that the relief requested will not result in any detriment to the surrounding locale.

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of February, 1995 that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 5 feet in lieu of the required 30 feet for a non-residential building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall provide landscaping for the property in accordance with the landscape plan submitted into evidence as Petitioner's Exhibit 3.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 24, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Rossville Boulevard at Citation Road
(8800 Citation Road)
15th Election District - 6th Councilmanic District
Packer Family Ltd. Partnership - Petitioners
Case No. 95-220-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Jeffrey L. Tucker, CFO, Packer Family Ltd. Partnership
5665 Belair Road, Baltimore, Md. 21206

Mr. Ed Haile, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

File

Printed with Soybean Ink
on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8800 CITATION ROAD

which is presently zoned M.L.-I.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1 and 238.2 to permit a 5 foot rear yard setback in lieu of the required 30 foot for a non-residential building.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) to be fully explained at the hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. SCOTT BARHIGHT, ESQUIRE

(Type or Print Name)

Signature

Address

City

State

Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property within is the subject of this Petition.

Legal Owner(s) PACKER FAMILY LIMITED PARTNERSHIP

By:

JEFFREY L. TUCKER, CFO

PACKER FAMILY, INC. GENERAL PARTNER

Signature

(Type or Print Name)

Signature

Address

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State

Zipcode

Phone No.

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Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 12/15/94

Account: R 0014150

Number 213
BY JLL

receipt
95-220-A

1/INNR'S VAK. 020 250.00
1/SHRSTING 080 35.00
285.00

Packer Family Ltd. Partnership, 8800 Citation Rd.
PUDBY WHITEFORD TAYLOR & PRESTON, L.L.P.
210 W. Pennsylvania Ave. Towson, MD 21204

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 213

Petitioner:

Location: 8800 Citation Road Baltimore MD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barhight, Esq.

ADDRESS: Whiteford, Taylor & Preston, L.L.P.

Suite 400 Court Towers
210 W. Pennsylvania Ave. Towson MD 21204

PHONE NUMBER: 830-2000

AJ:ggg

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.
Whiteford, Taylor & Preston, L.L.P.
400 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
410-832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-220-A (Item 213)
8800 Citation Road
NE/S Roseville Boulevard and Citation Road
15th Election District - 6th Councilmanic
Legal Owner(s): Packer Family Limited Partnership
HEARING: MONDAY, JANUARY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a 5-foot rear yard setback in lieu of the required 30 feet.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

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HEARING: MONDAY, JANUARY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a 5-foot rear yard setback in lieu of the required 30 feet.

Carl Jablon
ARNOLD JABLON
Director

cc: Packer Family Limited Partnership
G. Scott Barhight, Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 13, 1995

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 213
Case No.: 95-220-A
Petitioner: Packer Family

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 15, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JULIE WATSON

Re: Baltimore County
Item No.: 713 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Items 173 (Case #94-176 SPH), 209, 210, 211,
212, 213, and 214

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 9, 1995

SUBJECT: 8800 Citation Rd.

INFORMATION:

Item Number: 213

Petitioner: Packer Family Limited Partnership

Property Size: 2.97 acres

Zoning: ML-1M

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

In reference to the subject request, staff has contacted the applicant's attorney, G. Scott Barhight, to discuss the provision of landscaping along Roseville Boulevard. In response to our concerns, Mr. Barhight has indicated that a landscape plan will be developed prior to the hearing on the subject matter.

Prepared by: *Jeffrey M. Day*

Division Chief: *Carol L. Kline*

PK/JL

ITEM213/PZOM/EXT.JWL

149. 1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: Dec. 27, 1994

DATE: 1/10/95

The Department of Environmental Protection & Resource Management has (no) comments for the following Zoning Advisory Committee items:

Item #'s: 208
210
212
213
214
215
216

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/28/94

David J. Jett
Director
Planning, Administration and
Development Management
Baltimore County Office Building
Room 400
Towson, MD 21204
(410) 887-4500

Re: Community Center, Packer Family Limited Partnership

LOCATION: AVE. RIVERSIDE, N. LANE, AND L. LANE, 200 E. JOPPA RD.

Item #13-210

Subject: Zoning: C-1000

Comments:

Forward to your records. The referenced property has been reviewed by the Bureau and the comments below are for your information and to be corrected or incorporated into the final plans as they are required.

1. The site shall be able to comply with all existing laws of the Fire Prevention Code prior to construction or beginning of operation.

2. The building shall be constructed in accordance with the fire code and comply with all applicable fire code requirements of the Baltimore Fire Department. The building shall be constructed in accordance with the fire code and comply with all applicable fire code requirements of the Baltimore Fire Department.

RECEIVED
JAN 3 1995
ZADM

PAID: \$1.00
Five Dollar Bill, Price \$1.00, \$5.00

Printed on Recycled Paper

Re: PETITION FOR VARIANCE
5800 Citation Road, NE/S Roseville Blvd
and Citation Road, 15th Election Dist.,
6th Councilmanic
Packer Family Limited Partnership
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-220-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Item 213

Called Scott B. after filing.
Is this covered for development
process? Left Msg. with sec.

JDH 12/15/94

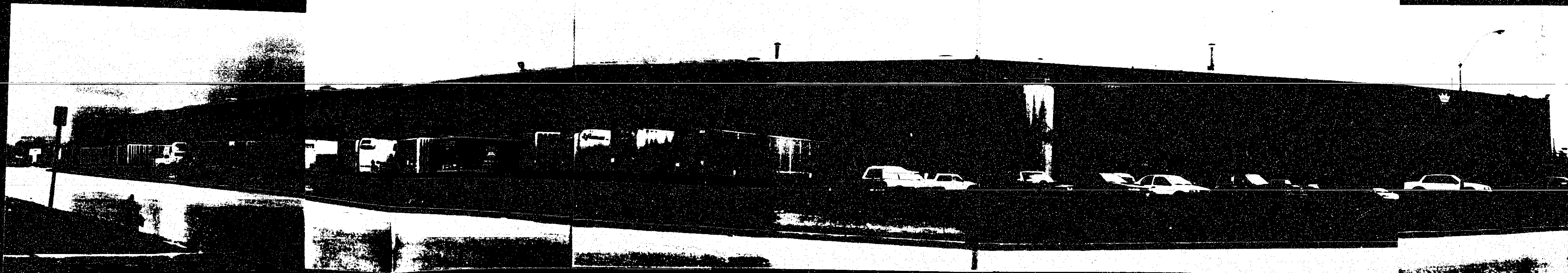
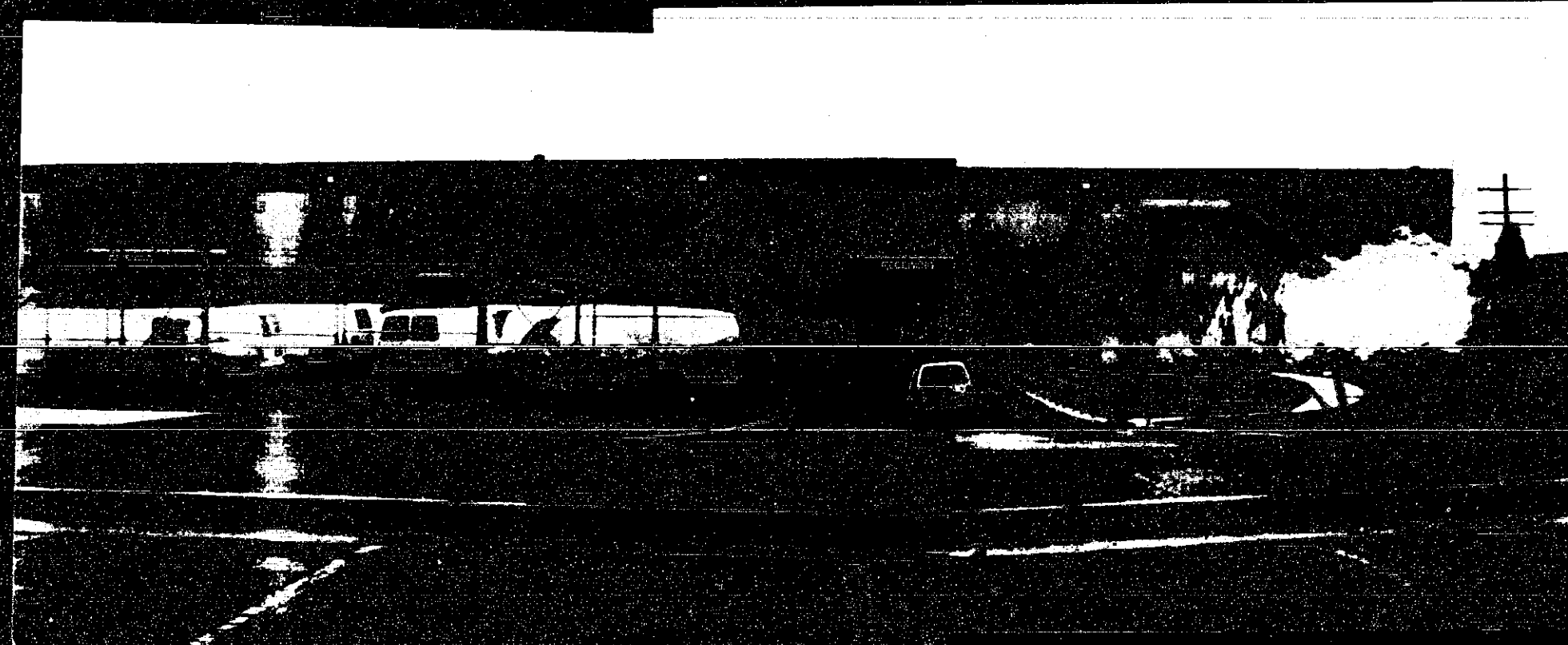
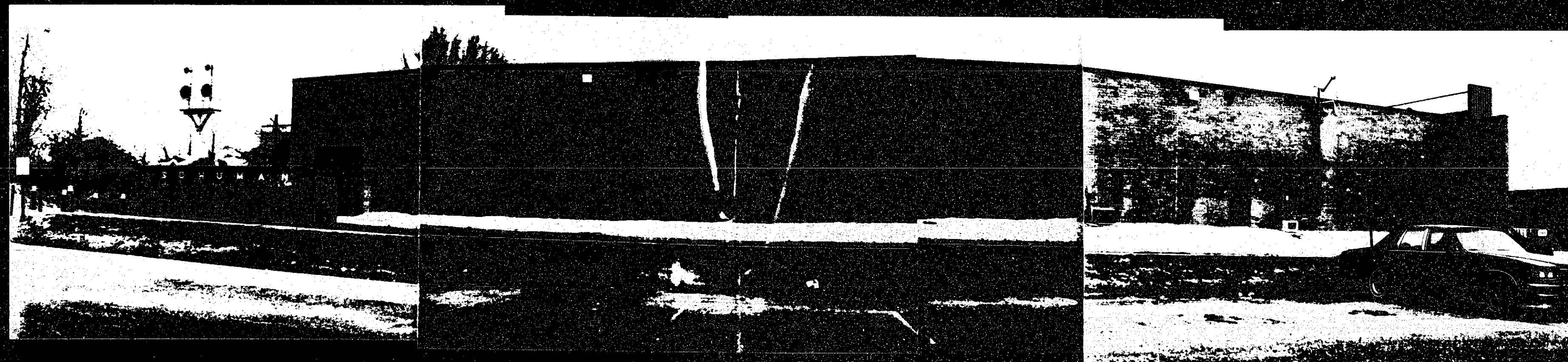
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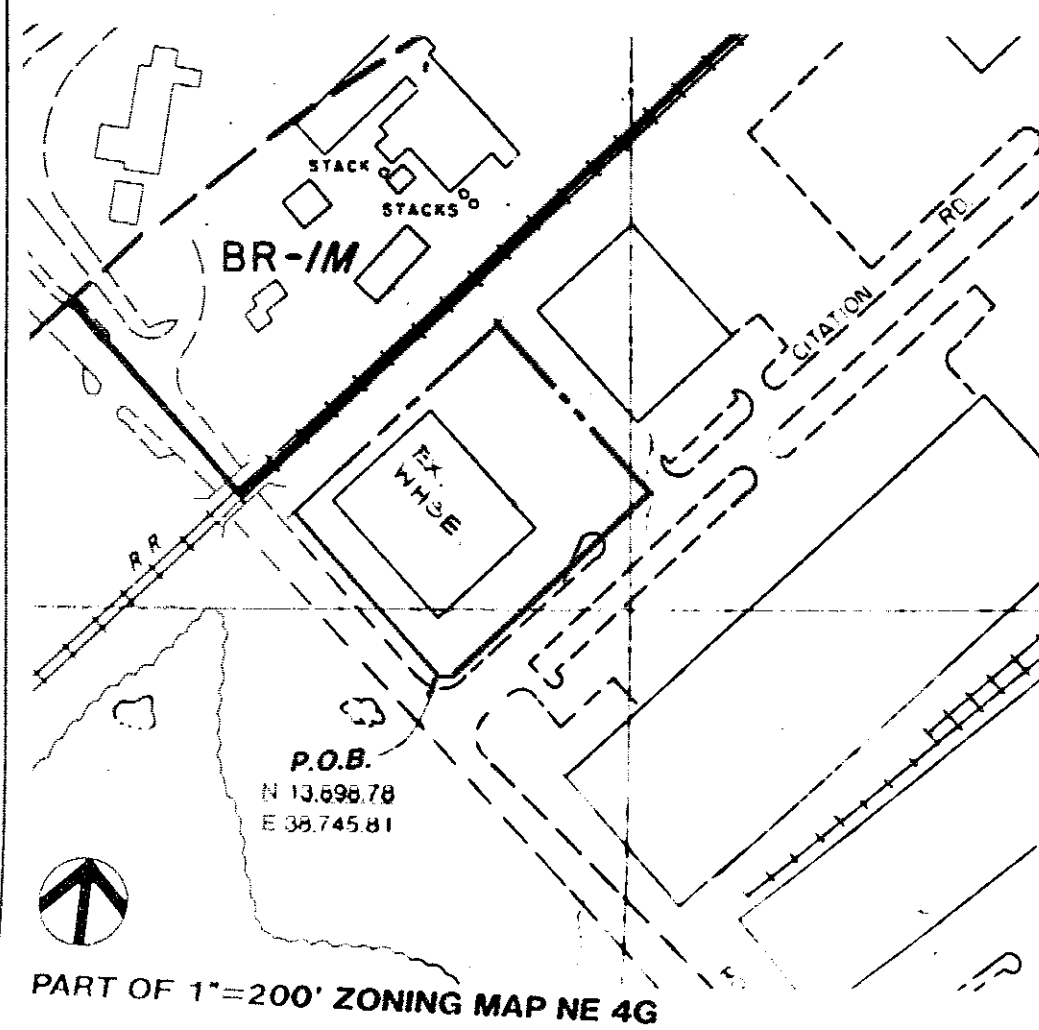
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Jeffrey Tucker	5665 Blair Rd
Al Packer Ford, Inc.	Baltimore, MD 21206
Ed Hite	200 E Penna Ave
Daft-Mcune-Walker Inc.	Towson, Md. 21286

Petitioner's
Exhibits 2A-2G
photographs
in
Case 95-220-A

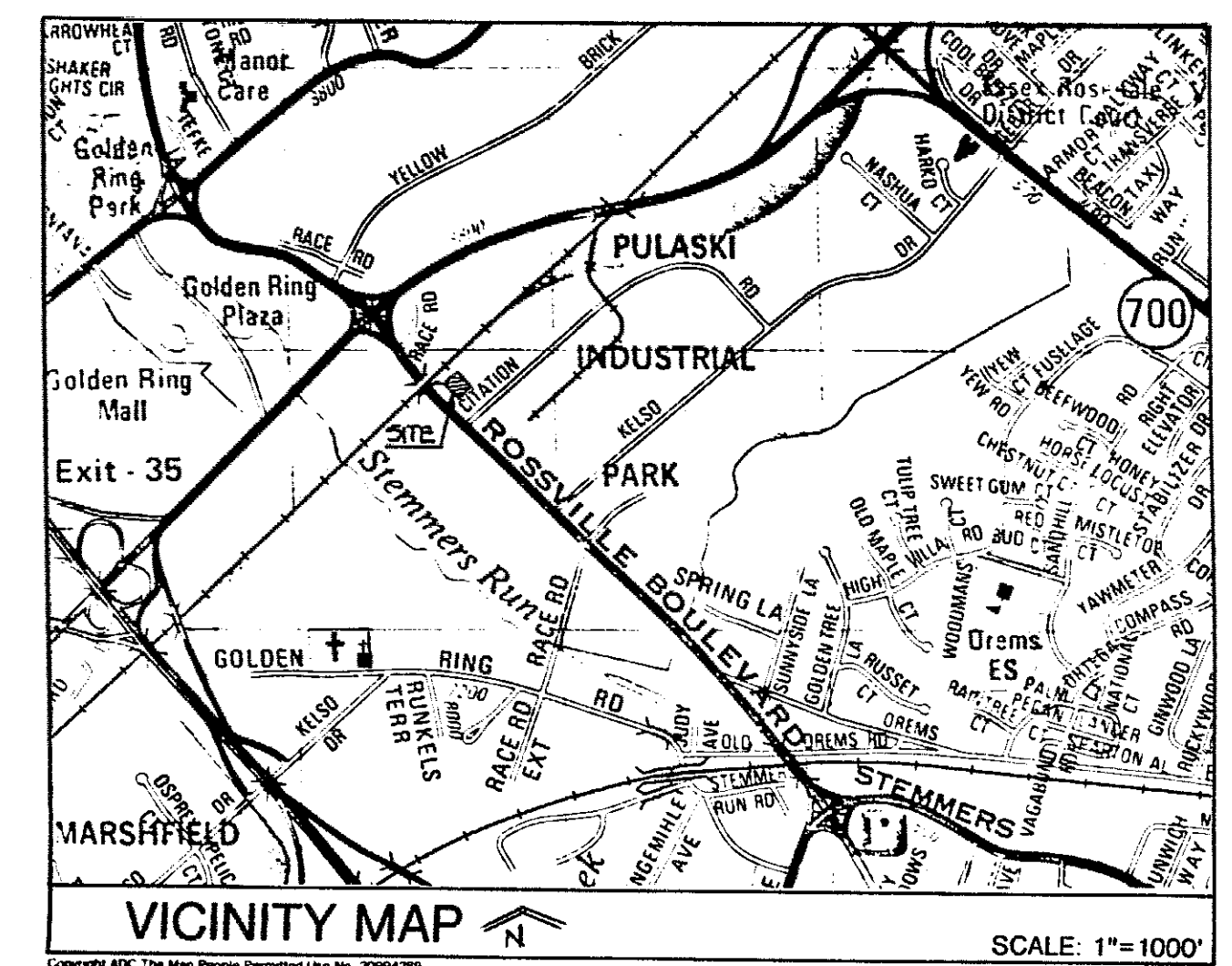
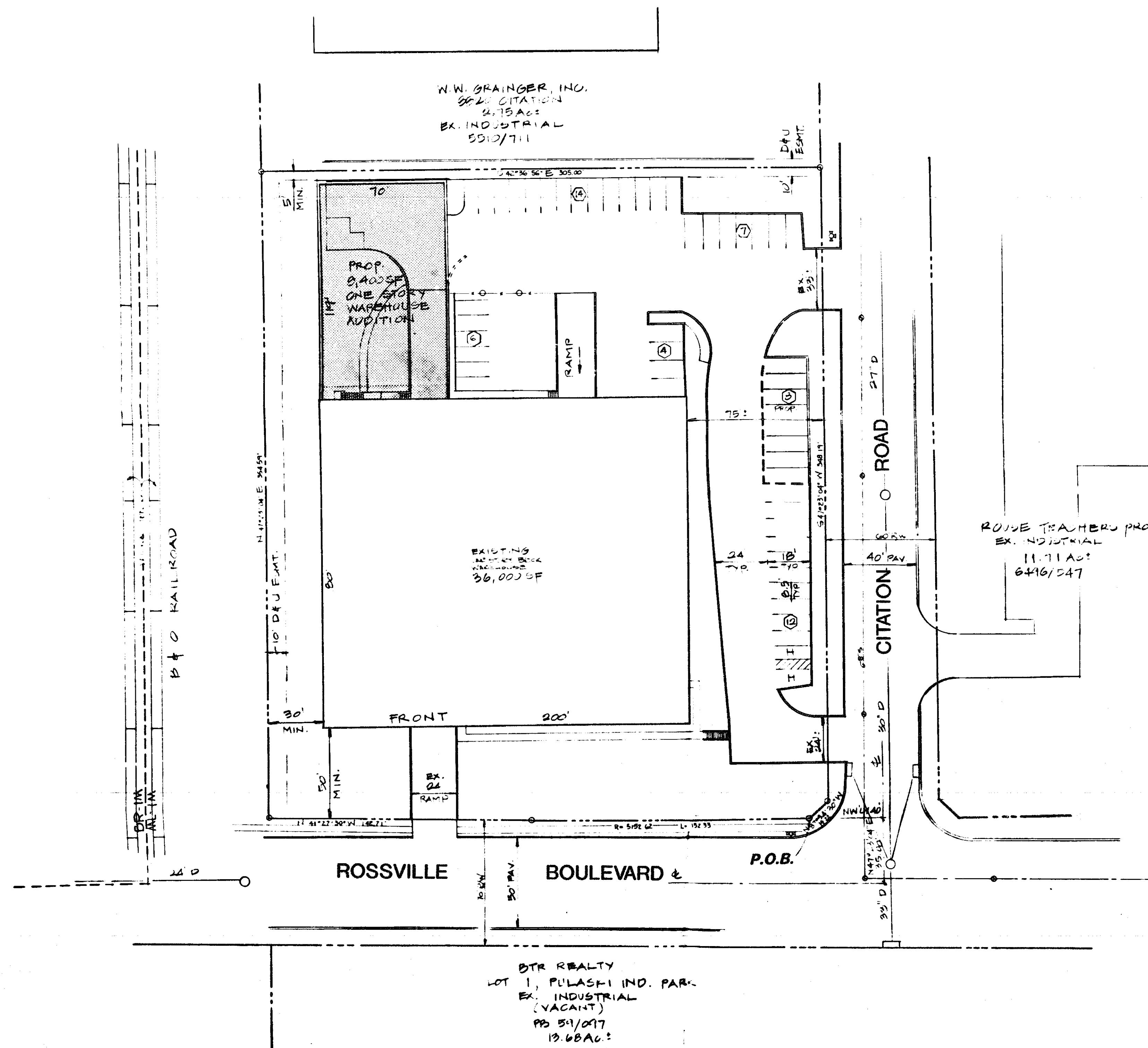
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General Notes

- Owner/Applicant: Packer Family Ltd. Ptnrshp
5015 Belair Road
Baltimore, MD 21206
Ph: 410-488-5566
- Election District 15; Councilmanic District 6; Census Tract 4512
- Watershed 22, Subwatershed 2
- Site Data:
- Current Zoning and Acreage:
Net = 2.50 Ac. ML-IM
Gross = 2.97 Ac. ML-IM (incl. 30' Citation Rd. and Rossville Blvd. R/W)
- Density (2.0 FAR):
Allowed = 2.97 Ac. @ 2.0 = 258,746 SF
Proposed = 36,000 SF Ex. Warehouse
8,330 SF Prop. Warehouse Addition
44,330 SF (0.34 FAR) Warehouse
- Parking:
Required: 50 Employees @ 1/1 = 50 Spaces
Proposed: 43 Existing Sp. (2 H/C)
8 Drop Sp.
51 Sp. (2 H/C)
- All spaces will be a minimum of 8.5 x 18, paved with a durable, drainage surface and striped.
- Amenity: Open Space
None required
- Landscape Planting: (No additional planting req'd. for addition)
8 P.S. @ 1/12 = 1 P.U. (1 M.D.)
68 F.C.B. Sp. @ 1/15 = 5 P.U.
Total: 6 P.U. (1 M.D.)
- There are no existing or proposed well or septic systems on site.
- There are no existing streams, springs or wetlands on or within 50 feet of the site.
- A waiver of stormwater management will be requested.
- Owner: Packer Family Ltd. Ptnrshp
8800 Citation Rd.
Baltimore, MD 21221
- Deed Ref: 8405-732
- Tax Acc: 16-00-005196
- Relief Sought:
• Zoning variance from Sec. 255.1 and 258.2 BCZR to allow as close as a 5-foot rear setback in lieu of the required 30-foot setback for a non-residential building in an ML-IM (BR) zone.



95-220-A

PRINTED

DEC 14 1994

DAFT-MCCUNE-WALKER, INC.

DMW

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3333
Fax: 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

PLAN AND PLAY TO ACCOMPANY PETITION FOR ZONING VARIANCE

AL PACKER FORD
8800 Citation Rd.
Pulaski Industrial Park

ELECTION DISTRICT 15
COUNCIL DISTRICT 6

BALTIMORE COUNTY, MD.



DATE

REVISIONS

REVIEW

12/14/94

PERMIT

CONSTRUCTION

BASE

DRAWN

DESIGNED

CHECKED BY

DATE CHECKED

SCALE

1"=30'

PROJECT NO.

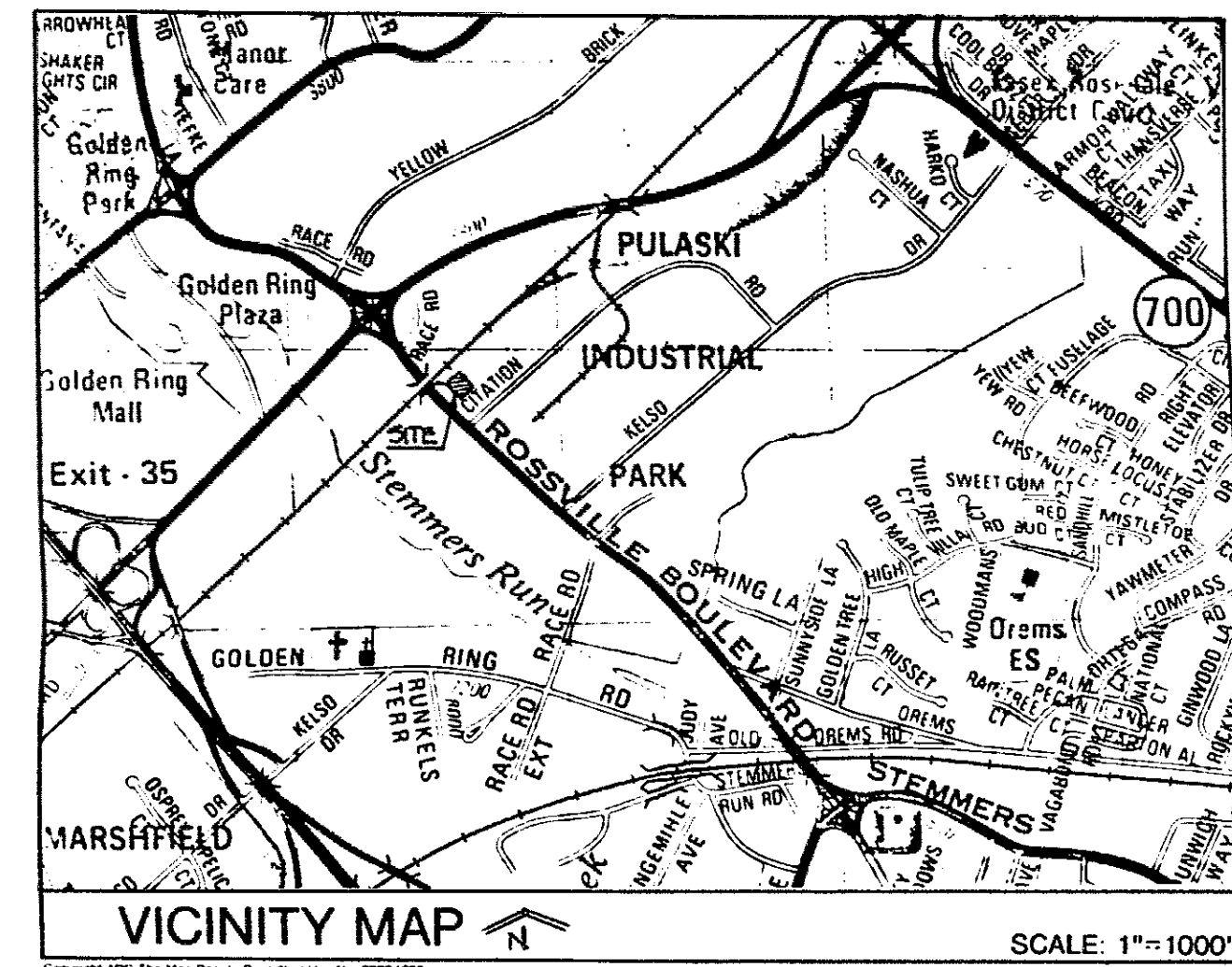
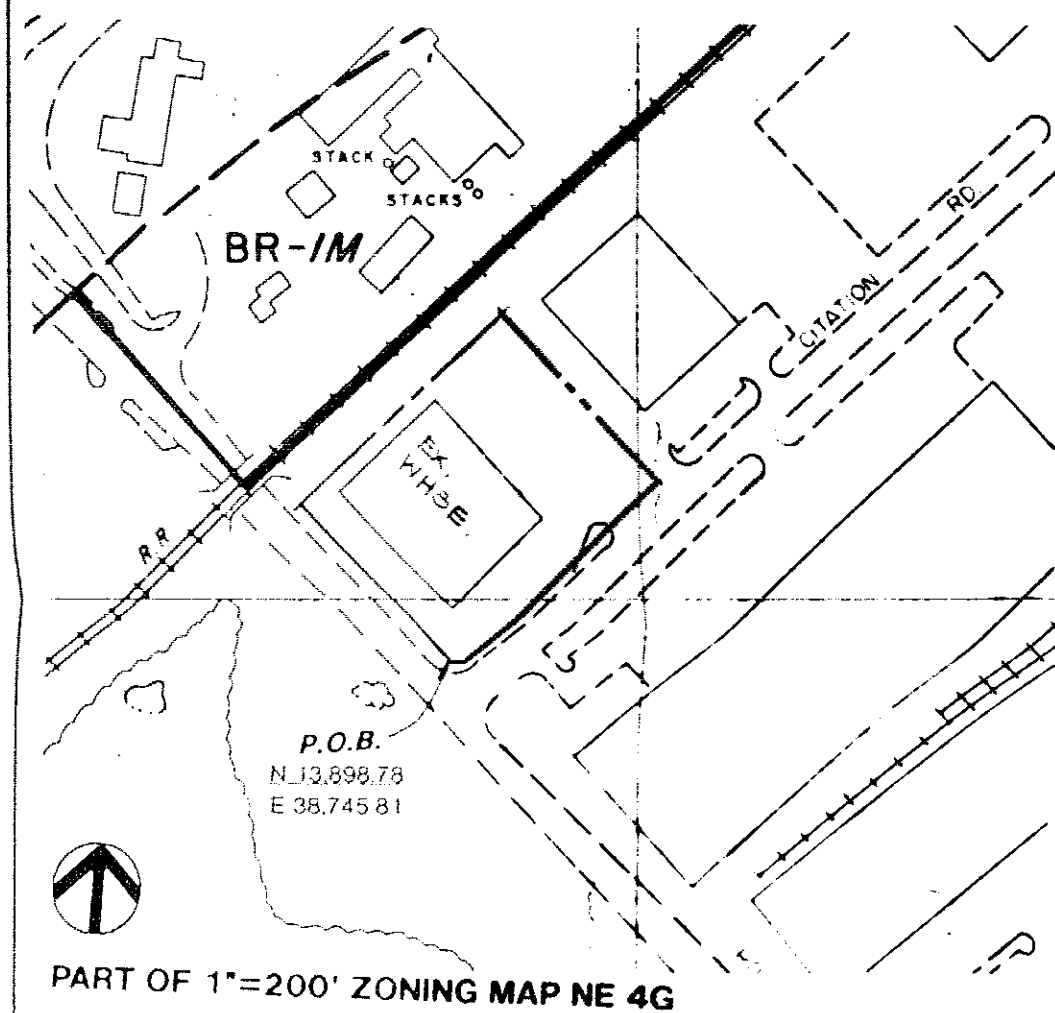
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DRAWING

1 OF 1

PETITIONER'S
EXHIBIT 1

213



General Notes

- Owner/Applicant: Packer Family Ltd. Ptnrshp.
5665 Belair Road
Baltimore, MD 21206
Ph. 410-488-5566
- Election District 15; Councilmanic District 6; Census Tract 4512
- Watershed 22, Subwatershed 2
- Site Data:

Current Zoning and Acreage

Net = 2.50 Ac. ML-IM
Gross = 2.97 Ac. ML-IM (incl. 30 Citation Rd and Rossville Blvd. R/W)

Density (2.0 FAR)

Allowed = 2.97 Ac. @ 2.0 = 59,400 SF
Proposed = 36,000 SF Ex. Warehouse
2,300 SF Prop. Warehouse Addition
41,300 SF (0.34 FAR) Warehouse

Parking

Required: 50 Employees @ 1/1 = 50 Spaces
Proposed: 43 Existing Sp. (2 H/C)
8 Drop Sp.
51 Sp. (2 H/C)

All spaces will be a minimum of 8.5 x 18', paved with a durable, dustless surface and striped.

Amenity Open Space

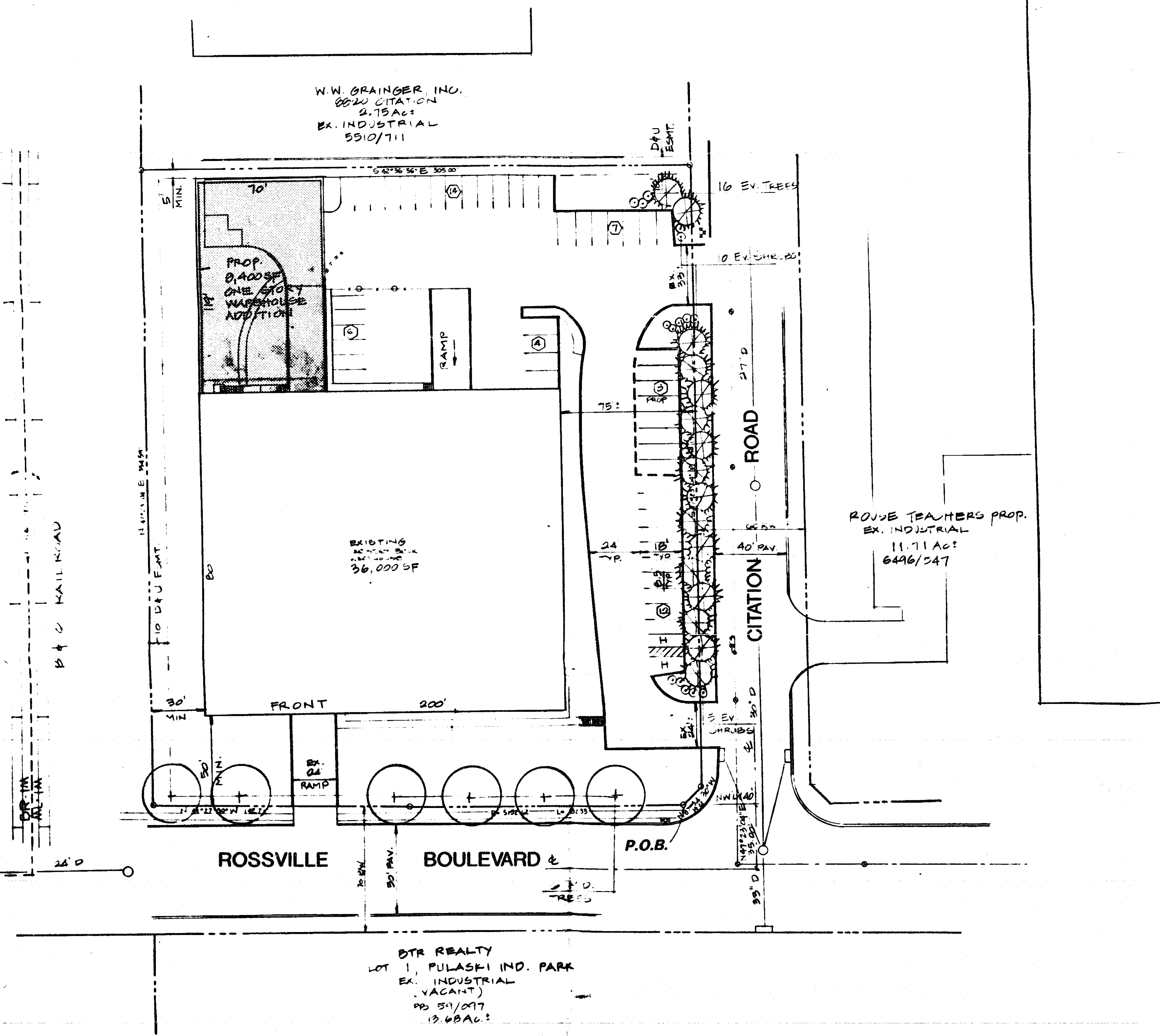
None required

Landscape Planting (No additional planting req'd. for addition)

8 P.S. @ 1/12 = 1 P.C. (1 M.D.)
58 L.F.C.B. Ser. @ 1/15 = 3 P.C. (1 M.D.)
Total = 6 P.C. (1 M.D.)

- There are no existing or proposed well or septic systems on site
- There are no existing streams, springs or wetlands on or within 50 feet of the site
- A waiver of stormwater management will be requested
- Owner: Packer Family Ltd. Ptnrshp.
8800 Citation Rd.
Baltimore, MD 21221
- Deed Ref: 8405-732
Tax Acct: 16-001005186
- Relief Sought:

* Zoning variance from Sec. 255.1 and 234.2 BCZR to allow as close as a 5-foot rear setback in lieu of the required 30-foot setback for a non-residential building in an ML-IM (BR) zone



DMW PETITIONER'S EXHIBIT 3
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax: 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

**LANDSCAPE PLAN
AL PACKER FORD
8800 Citation Rd.
Pulaski Industrial Park**

ELECTION DISTRICT 15
COUNCIL DISTRICT 6

BALTIMORE COUNTY, MD.

DATE	BY	REVISIONS	REVIEW	DATE
			DESIGNED	
			CHECKED BY	
			DATE CHECKED	
			SCALE 1"=30'	
			PROJECT NO. 94115	
			DRAWING	